

(D) LIEN FOR DAMAGE.

(1) THE INJURED PERSON OR THE OWNER OR BAILEE OF THE INJURED PROPERTY HAS A LIEN ON THE AIRCRAFT TO THE EXTENT OF THE DAMAGE CAUSED BY THE AIRCRAFT OR THE OBJECT FALLING FROM IT, IF HE REGISTERS AND RECORDS WITH THE ADMINISTRATION A SWORN NOTICE OF THE LIEN WITHIN 30 DAYS FROM THE DATE OF THE INJURY. THE NOTICE OF LIEN SHALL SET FORTH IN DETAIL THE INJURY OR DAMAGE SUSTAINED BY HIM OR HIS PROPERTY.

(2) A NOTICE OF A LIEN NOT SO RECORDED IS VOID AGAINST SUBSEQUENT GOOD FAITH PURCHASERS AND MORTGAGEES WITHOUT ACTUAL NOTICE. THE LIEN TERMINATES ON REBUTAL OF THE PRIMA FACIE LIABILITY BY THE OWNER OR LESSEE OF THE AIRCRAFT.

REVISOR'S NOTE: This section presently appears as Art. 1A, §3-304.

Subsection (a) of this section, which combines the first two sentences of present §3-304, is revised to clarify that the defenses set forth in items (1) and (2) are available equally to a lessee, as well as an owner. In the introductory paragraph of subsection (a), and elsewhere in this section, the word "dropping" is deleted as unnecessary and redundant in light of the word "falling". Also, the phrase "operation of ... aircraft" is substituted for "ascent, descent or flight of ... aircraft", for simplicity and to conform to the antecedent phrase "aircraft operated above the lands and waters"; see the definition of "operate aircraft" in §5-101 of this title.

In subsection (a) (2) of this section, the present reference to "express or implied" consent is deleted as superfluous.

In subsection (c) of this section, the more general term "person" is substituted for "airman". The rule specified in that subsection is applicable equally to a person who might not qualify as an "airman". (As to the term "airman", see present Art. 1A, §1-107 and revisor's note to §5-101 of this title.)

In subsection (d) (1) of this section, the phrase "injury or damage sustained by him or his property" is substituted for "injury or damage caused" to avoid the unintended implication that the lienor must report all damages caused by the accident, even those sustained only by others.

In subsection (d) (2) of this section, the term "actual notice" is substituted for "notice"